

EMERGENCY CLOSINGS

APPLICATION: Classified employees.

PURPOSE Provides guidelines for compensating employees for absences during emergency closings of agency operations.

EMERGENCY CONDITIONS Circumstances that require emergency closings to include inclement weather, utility failure, fire or other forced evacuations from the agency or work site.

DETERMINATION OF AUTHORIZED CLOSINGS A state agency's operations may be closed for specific periods of time when determined by the appropriate authority to be necessary. Closings inside and outside the Richmond area, whether for an entire shift or a partial shift, are handled as follows.

**Richmond City,
Chesterfield,
Hanover, and Henrico
Counties**

Administrative agencies – The Governor or his/her designee shall make closing decisions about the daytime hours of administrative agencies when conditions affect more than one administrative agency. The Department of Human Resource Management (DHRM) will announce the Governor's decisions about authorized daytime closings of administrative offices through television and radio stations. These stations will be identified yearly in the October/ November issue of DHRM's employee newsletter. In addition closing information will be available on DHRM's web site (www.dhrm.virginia.gov.)

NOTE: Individual agency heads or their designees shall make closing decisions when emergency conditions affect that agency only.

Agencies with 24-hour operations within the Richmond area – Agency heads or their designees shall make closing decisions for agency operations outside daytime hours. Individual agency heads must develop and maintain procedures for making closing decisions and distribute information on how closing decisions will be communicated to employees.

Colleges and universities – College and university presidents or their designees shall make closing decisions for their institutions. The presidents must develop and maintain procedures for announcing closing decisions and distributing this information to their employees.

Outside Richmond Area

Individual agency heads or their designees, and college and university presidents or their designees shall make closing decisions affecting their agencies or institutions. They must develop and maintain procedures for announcing decisions about authorized closings of their agencies, offices, or facilities and distribute them to their employees.

AGENCY PROCEDURES REQUIRED

Agencies shall develop written procedures that are consistent with, and incorporate the provisions of, this policy. At a minimum, they should include:

- whether the agency offices/facilities must follow the Governor's closing decisions or the closing decisions of the agency head or facility director;
- what positions are designated, and considered to be essential (and the incumbents);
- how employees will be notified that their positions are designated or non-designated (An employee's "non-designated" status may be changed to "designated" as agency managers/ supervisors determine the necessity. Employees must be notified of their status as soon as practicable after any such change in status.)
- how designated and non-designated employees will be compensated during authorized closings;
- how employees will be advised of agency, office, or facility closing decisions (i.e., by specific area radio or television stations, phone networks, or supervisors).

DESIGNATED EMPLOYEES

Designated employees are exempt and non-exempt employees who are required to work during an authorized closing because their positions have been designated by their agencies as essential to agency operations during emergencies. (Designated employees may be required to work during times they are not regularly scheduled to work.)

Agencies may designate different employees as essential for different situations. For example, certain employees may be designated as essential to agency operations during inclement weather situations while different employees may be designated essential during heating or electrical problems.

Compensation

- Exempt and non-exempt employees are paid their regular rate of pay for hours worked.
- Employees are granted compensatory time for hours worked

during authorized closings up to the maximum number of hours of their normal work shifts whether or not the authorized closing occurs during the employee's regularly scheduled work shift and whether or not the authorized closing is for an entire or partial work shift. (See Policy 3.10, Compensatory Leave.)

- All hours worked in a workweek, including hours worked during an authorized closing, will be counted for purposes of determining if overtime pay is warranted for non-exempt employees.

Failure To Report

A designated employee's failure to report to work can result in disciplinary action under the Standards of Conduct Policy, No. 1.60, and/or requiring the hours missed to be charged to leave with or without pay, as appropriate.

EXCEPTION: When road conditions and transportation difficulties cause a designated employee to arrive late, the agency head or designee may determine that the conditions and difficulties justified the tardiness. In such cases, the lost time will not be charged to the employee's leave balances or to leave without pay, and no disciplinary action will be taken.

Pre-Approved Leave With Pay

Pre-approved leave is leave that is approved before it is taken. When a designated employee is on pre-approved leave with pay during an authorized closing, his/her hours of leave will be charged to the authorized closing, and not to his/her leave balances.

Designated employees will be considered non-designated while they are on short-term disability under the VSDP.

Begin Date

When a designated employee is scheduled to begin work on an authorized closing day, he/she is expected to work that day. If he/she does not, the effective employment date will be the first day actually worked.

Resignation/Separation Date

If the last day a designated employee is to work before separation is an authorized closing day, he/she is expected to work. If he/she does not, the effective separation date will be the last day actually worked. (See Policy 1.70, Termination/Separation from State Service.)

NON-DESIGNATED EMPLOYEES

Non-designated employees are those who are not required to work during an authorized closing because their positions have not been designated as essential during emergency conditions.

**Full Shift Closing
Compensation**

A non-designated employee will be paid for the hours that he/she was scheduled to work during an authorized closing, if he/she worked or took paid leave the day before and the day after the authorized closing.

Pre-approved leave with pay – A non-designated employee who is on pre-approved leave with pay when an authorized closing occurs will have the time charged to the authorized closing and not to personal leave balances.

Short-term Disability – A non-designated employee who is on short-term disability under VSDP will continue to receive his/her percentage of compensation based on the benefits provided under VSDP.

Begin Date

Scheduled begin date – When a non-designated employee is scheduled to begin work on an authorized closing day, he/she will receive pay for that day if he/she works the entire day following the authorized closing.

NOTE: For health insurance purposes, if the employee begins work on the first work day after an authorized closing that occurred on the first work day of the month, his/her coverage will be effective for the month.

**Resignation/
Separation Date**

Scheduled resignation – When an employee's scheduled resignation date becomes an authorized closing for the entire shift, the employee will be paid for that day if he/she worked or was on paid leave the day before the authorized closing. (See Policy 1.70, Termination/ Separation from State Service.)

**Alternate Work
Schedule**

An agency head has discretion to determine whether an employee on an alternate work schedule who was scheduled to work more than eight hours on an authorized closing day will be paid for the eight hours of authorized closing or for the scheduled hours.

When an employee on an alternate work schedule is scheduled to work less than eight hours on an eight-hour, authorized closing day, he/she will be paid for hours actually scheduled.

**Partial Shift Closing
Compensation**

A non-designated employee will be paid for the hours that he/she was scheduled to work during an authorized closing if he/she worked or took paid leave the day before and the day after the authorized closing.

EMERGENCY CLOSINGS

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Any scheduled hours not worked by a non-designated employee while the agency was open must be charged to personal leave or leave without pay.

NOTE: When road conditions and transportation difficulties cause a non-designated employee to arrive late, the agency head or designee may determine that the tardiness was justified. In such cases, the lost time will not be charged to the employee's leave balances or to leave without pay.

Pre-approved leave with pay – When a non-designated employee is on pre-approved leave during a partial shift closing, the hours of the authorized closing will not be charged to his/her leave balances or to leave without pay.

Failed to hear closing announcement – When a non-designated employee reports to work as usual because he/she has not heard an authorized closing announcement, he/she shall be paid the regular rate of pay for the time worked but shall not be credited with compensatory leave for any time worked during the authorized closing.

NOTE: If an agency head or designee determines that extenuating circumstances warrant that an employee receives compensatory leave, it may be granted.

AUTHORITY

This policy is issued by the Department of Human Resource Management pursuant to authority provided in Chapter 12, Title 2.2, of the Code of Virginia.

INTERPRETATION

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with section 2.2.1201 of the Code of Virginia.

Questions regarding the application of this policy should be directed to the Department of Human Resource Management's Division of Agency Human Resource Services.

The Department of Human Resource Management reserves the right to revise or eliminate this policy as necessary.